

## **Part I. Definitions, Application, and Certification**

### **Article 1. Introduction**

#### **§15100. What is the Unified Program?**

(a) The Secretary administers the Unified Program pursuant to Chapter 6.11 of the Health and Safety Code and regulations of this Division. This Division integrates but does not duplicate requirements established pursuant to:

- (1) The Hazardous Waste Generator Program and the Hazardous Waste Generator Onsite Treatment activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers - Health and Safety Code, Division 20, Chapter 6.5 (generally supplemented by Division 4.5, Title 22 of the California Code of Regulations;
- (2) The Aboveground Storage Tank Program Spill Prevention Control and Countermeasure Plan requirements - Health and Safety Code, Division 20, Chapter 6.67, Section 25270.5(c);
- (3) The Underground Storage Tank Program - Health and Safety Code, Division 20, Chapter 6.7;
- (4) The Hazardous Materials Release Response Plans and Inventory (Business Plan) program - Health and Safety Code, Division 20, Chapter 6.95, Article 1 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2620-2732);
- (5) The Risk Management and Prevention Program (RMPP) - Health and Safety Code, Division 20, Chapter 6.95, Articles 2 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2620-2732);
- (6) The Hazardous Materials Management Plans and the Hazardous Materials Inventory Statement requirements - Section 80.113, Part 9 of Title 24, California Code of Regulations.

(b) Health and Safety Code, Division 20 Chapter 6.11 and these regulations outline the requirements for the Unified Program for hazardous materials and hazardous waste management, which is set forth in state law and will be implemented by state and local government.

- (1) The Secretary of the California Environmental Protection Agency (Secretary) will develop and implement a “unified hazardous waste and hazardous materials management” regulatory program. The implementation of Health and Safety Code, Chapter 6.11 shall not result in a hazardous waste and hazardous materials management program (Unified Program) which is more fragmented than those programs now in existence.
- (2) The Secretary will work with and consider input from state agencies that have responsibilities to manage Unified Program elements to provide for a consolidated, coordinated, and consistent Unified Program throughout the state. The Governor's Office of Emergency Services has responsibility for the Business

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Plan program and the Risk Management and Prevention program. The State Fire Marshall has responsibility for Section 80.103 of the Uniform Fire Code, as adopted pursuant to Section 13143.9 of the Health and Safety Code, concerning the Hazardous Materials Management Plan and Hazardous Materials Inventory Statement. The State Water Resources Control Board has responsibility for the Underground Storage Tank program and represents the Regional Water Quality Control Boards for the Above Ground Tank Spill Prevention Control and Countermeasure plan. The Department of Toxic Substances Control has responsibility for the Hazardous Waste Generator and Onsite Hazardous Waste Treatment programs.

(3) The Unified Program shall provide to a "Certified Unified Program Agency" (CUPA) the authority to apply statewide standards to each facility within its jurisdiction.

(4) If no local agency has been certified within the unincorporated area of the county, the Secretary shall determine which agency should be designated as the CUPA or authorize certain state or local agencies' roles, responsibilities, and authorities to continue pursuant to Health and Safety Code, Section 25404.3(f)(2).

(A) Any agency designated by the Secretary as the CUPA pursuant to Health and Safety Code, Section 25404.3(f)(2) must comply with the requirements in these regulations.

(B) Any state or local agency authorized to continue its role, responsibilities and authority pursuant to Health and Safety Code, Sections 25404.3(f)(2) or 25533(f) shall comply with the requirements in the regulations placed on CUPAs with the exception of Articles 3, 4, and 7, Sections 15210, 15220, 15230, 15240, 15250, and 15260.

(5) The Unified Program requires the CUPA in a jurisdiction to consolidate all permits, coordinate enforcement of all regulations and ordinances, and develop and coordinate a single inspection and enforcement program.

(6) The Unified Program requires each CUPA to institute a single fee system, which shall replace certain fees levied by state and local agencies; the revenue collected through this single fee will be used to fund the administration of those activities which will compose the Unified Program.

(7) The Secretary must review local agency applications for certification as a CUPA and consider the agency's resources as criteria for certification; more than one agency may be included in the application and certified to implement the program elements of the Unified Program.

(8) The Secretary is required to periodically review the ability of each CUPA to carry out the Unified Program; the Secretary may withdraw an agency's certification if the agency has failed to adequately implement the program.

(c) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Hazardous Waste Generator and Onsite Hazardous Waste Treatment elements are clarified as follows:

(1) DTSC will coordinate, to the maximum extent feasible, the responsibilities concerning hazardous waste generators and onsite hazardous waste treatment

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activities with the CUPA at a hazardous waste Treatment, Storage and Disposal (TSD) facility.

(2) CUPAs may refer enforcement cases to the DTSC. DTSC may accept enforcement cases at its discretion.

(3) CUPAs will establish procedures to accept the following reports from businesses:

(A) Contingency Plan activation report for permitted facilities (22 CCR 66264.56(j) and 22 CCR 66265.56(j)).

(B) Release reports for tank systems or secondary containment systems reporting the release of a reportable quantity (22 CCR 6625.196(e)).

(C) Tiered Permitting Closure Reports.

(4) CUPAs will review source reduction documents required of businesses pursuant to Health and Safety Code, Sections 25244.19, 25244.20, and 25244.21; and may impose civil penalties pursuant to Health and Safety Code, Section 25244.21(a).

(5) Hazardous Waste Manifest documents will continue to be submitted to the DTSC.

(6) Hazardous Waste Manifest Exception Reports will continue to be submitted to the DTSC.

(7) The DTSC will retain responsibility for hazardous waste classifications.

(8) The DTSC will retain responsibility for the oversight of the exports out of the country of hazardous waste.

(9) The DTSC and the US Environmental Protection Agency will retain responsibility for issuing EPA numbers.

(10) The DTSC will retain responsibility for the following elements of the Hazardous Waste Source Reduction and Management Review Act of 1989 (Health and Safety Code, Sections 25244.12 et. seq.);

(A) Conduct a technical and research assistance program pursuant to Health and Safety Code, Section 25244.17.

(B) Select at least two categories of generators by SIC Code every two years to identify successful source reduction measurers pursuant to Health and Safety Code, Section 25244.18(a).

(C) Impose civil penalties pursuant to Health and Safety Code, Section 25244.18(d)(2).

(D) Report to the legislature pursuant to Health and Safety Code, Section 25244.22.

(11) The DTSC will retain the responsibility to collect Biennial Reports specified in 22 CCR 66262.41.

(d) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Aboveground Storage Tank program element are clarified as follows:

(1) Aboveground Storage Tank Spill Prevention Control and Countermeasure (SPCC) Plan responsibilities for CUPAs are: To determine if an SPCC Plan is required, verify that a plan is on site when required, and refer facilities lacking required plans to the appropriate Regional Water Quality Control Board for follow-up procedures.

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(e) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Underground Storage Tank program elements are clarified as follows:

(1) A CUPA may oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks pursuant to the Local Oversight program (LOP) listed in Health and Safety Code, Section 25297.1, providing the following criteria are met:

(A) The CUPA must demonstrate its capability to oversee corrective action by having two years of acceptable experience implementing the underground storage tank program under Regional Water Quality Control Board oversight after which time the CUPA may apply to the State Water Resources Control Board (SWRCB) to enter into an agreement for the Local Oversight Program (LOP).

(B) The funding source available to the SWRCB is sufficient to cover the LOP agreements.

(f) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Business Plan and RMPP program elements are clarified as follows:

(1) OES will coordinate the consolidation of planning formats pursuant to Health and Safety Code, Section 25503.4.

(2) OES will coordinate program responsibilities concerning Business Plans and RMPP activities.

(3) OES will coordinate revisions to the single comprehensive hazardous material reporting form required pursuant to Health and Safety Code, Section 25503.3 and to the RMPP guidance document.

(4) CUPAs will establish procedures for acceptance, tracking and maintenance of Business Plans, RMPP, and acutely hazardous materials registration forms from regulated businesses.

(5) CUPAs will establish procedures for acceptance, tracking and maintenance of reports of any release or threatened release of a hazardous material which poses the potential for significant hazard.

(6) CUPAs will integrate information from the business plans submitted into the development and implementation of an area plan, as defined in Health and Safety Code, Chapter 6.95, Article 1, within their jurisdiction.

(7) CUPAs shall ensure emergency response personnel and OES full access to information collected and maintained regarding implementation of Business Plans and RMPP program elements.

(g) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Hazardous Materials Management Plan and Hazardous Materials Inventory Statement (Health and Safety Code, Section 25404(c)(6)) is clarified as follows:

(1) The State Fire Marshal (SFM) will coordinate program responsibilities concerning the Hazardous Material Management Plan and Hazardous Materials Inventory Statements.

(2) The Hazardous Material Management Plan and Hazardous Materials Inventory Statements, when required, will comply with Health and Safety Code,

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Sections 25500 through 25545 and California Code of Regulations, Title 19, Division 2, Chapter 4, Section 2620 et. seq.

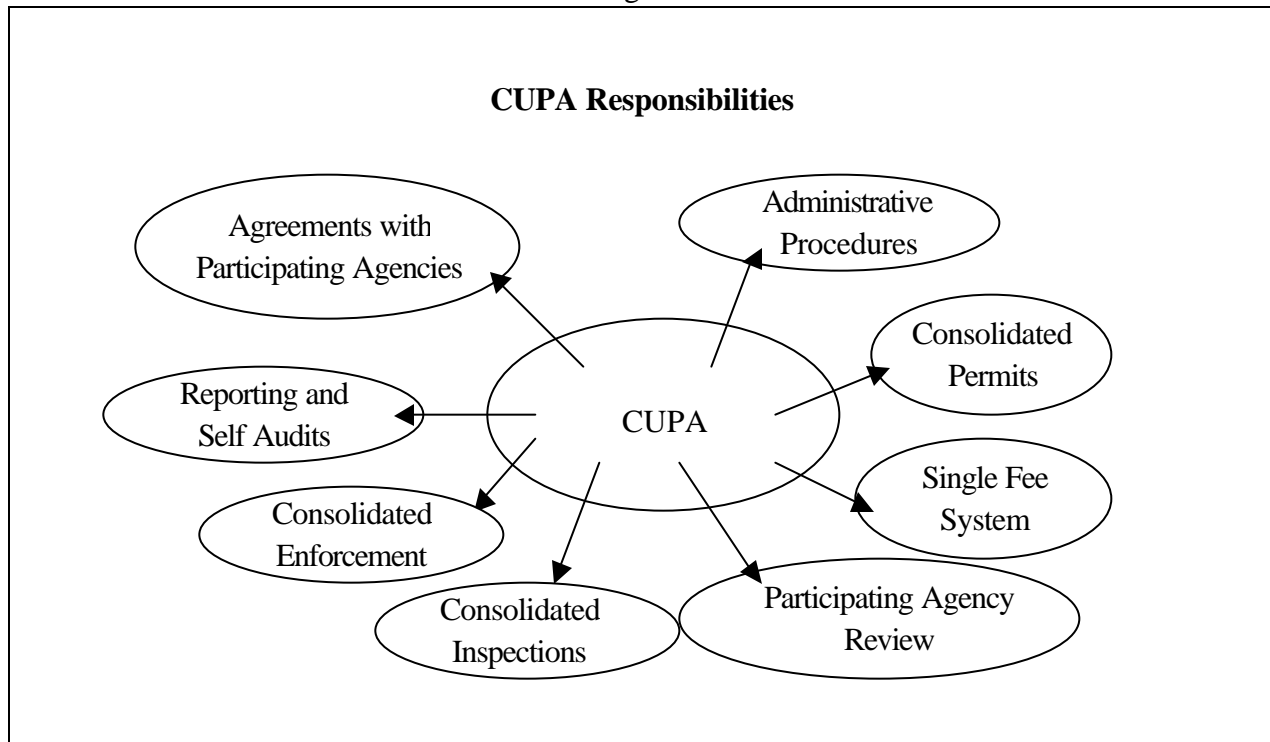
(3) Each CUPA will ensure full access to and availability of information submitted under Section 80.103 (b) and (c), Part 9 of the CCR Title 24, to any Chief of any county or city fire department or district with shared responsibility for protection of the public health and safety of the environment. The CUPA will forward the data collected, within 15 days of receipt and conformation, to the county or city fire department or district.

(h) An applicant agency shall apply to the Secretary according to the provisions of Sections 15130, 15140, 15150, and 15160 to become a Certified Unified Program Agency.

(i) An applicant agency which is granted certification pursuant to Articles 4 and 5 shall implement the Unified Program as specified in the implementation plan submitted in compliance with Section 15150(e)(6).

(j) A Certified Unified Program Agency shall maintain certification through the administration of the Unified Program in compliance with Articles 5 and 6.

Figure 1



Authority cited: Sections 25404(b), 25404.1(b)(1), 25404.3(f) and 25404.6(c), Health and Safety Code. Reference: Sections 25404(b), (c) and (d), 25404.1, 25404.2(a) and (c), 25404.3(f), 25404.5 and 25533(f), Health and Safety Code.

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**HISTORY**

1. New division 1, subdivision 4, chapter 1, article 1 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New division 1, subdivision 4, chapter 1, article 1 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New division 1, subdivision 4, chapter 1, article 1 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New division 1, subdivision 4, chapter 1, article 1 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including new subsections (a)-(a)(6), subsection relettering, amendment of newly designated subsections (b)-(b)(1), new subsection (b)(2) and subsection renumbering, repealer of former subsections (b)-(b)(6), new sections (c)-(g), subsection relettering and new Figure 1 designator transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. New part I heading, amendment of subsection (b)(4), new subsections (b)(4)(A)-(B), and amendment of Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including further amendment of subsections (b)(4)-(b)(4)(B), transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).